

**CITY COUNCIL MEETING
CITY OF WATERTOWN
March 4, 2013
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Teresa R. Macaluso
Council Member Jeffrey M. Smith
Mayor Graham

Also Present: Sharon Addison, City Manager
James Burrows, City Attorney

City staff present: Elliott Nelson, Jim Mills, Ken Mix, Kurt Hauk, Amy Pastuf, Fire Deputy Chief Randall, Fire Chief Herman, Gene Hayes, Barbara Wheeler, Brian Phelps, Erin Gardner, Justin Wood

The City Manager presented the following reports to Council:

- Resolution No. 1 - Authorizing Application for NYS Division of Homeland Security and Emergency
- Services Grant, Fire Department
- Resolution No. 2 - Approving Supplemental Agreement for Construction Inspection Services, Watertown Swimming Pools Resurfacing Project, C&S Engineers, Inc.
- Resolution No. 3 - Approving Supplemental Appropriation No. 3 For Fiscal Year 2012-13 for Various Accounts
- Resolution No. 4 - Approving Amendment No. 1 to Professional Services Agreement, GHD Consulting Engineers LLC
- Resolution No. 5 - Finding That the Construction of the Thompson Park Parallel Water Main Project Will Not Have a Significant Impact on the Environment
- Ordinance No. 1 - An Ordinance Authorizing the Issuance of \$1,000,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Design and Installation of a New Parallel Transmission Main to the Thompson Park Reservoirs, in and for Said City
- Tabled - Resolution Approving Third Amendment to 2012-13 Franchise Agreement, 1000 Islands Privateers Professional Hockey Team, LLC
- Elevated Water Storage Tank at Thompson Park
- Transportation Commission Vacancy
- Board and Commission Appointments
- Letter from Community Action Planning Council of Jefferson County, Inc.
- Jefferson Community College New Events Center Feasibility Study

Complete Reports on file in the office of the City Clerk

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of February 19, 2013, was dispensed and accepted as written by motion of Council Member Burns, seconded by Council Member Smith, and carried with all voting in favor thereof.

COMMUNICATIONS

An email was received from the New York State Coalition Opposed to Fluoridation regarding the fluoridation of City water.

Above communication was placed on file in the office of the City Clerk.

An unsigned letter was received in support of reopening Newell Street in light of Guilfoyle's pending move.

Above communication was placed on file in the office of the City Clerk.

PRIVILEGE OF THE FLOOR

S. G. Gates, 157 Dorsey Street, addressed the chair concerning the dog park and the dog ban within the City. He mentioned that he has proven that the dog park can be paid for and that even though the SPCA is willing to take on this project, it puts a burden on them because they already survive on donations. He said that \$200,000 came in one day after it was announced how much it would cost. In addition, he said the City should reexamine the dog ban as a future generation of dogs will have no place to socialize and that it was meant to give organizations a choice as to whether they want dogs at the event or not. Mr. Gates said he thinks the dog ban and the roommate issue bring Watertown backwards.

Sheila Barney-Pullus, addressed the chair wishing to thank Mike Sligar, Water Superintendent, for the work he has put into shoring up the water tower. She said it is an embarrassment that it has taken 13 years for it to be done. She said she has contacted the zoo regarding the aviary and people did not want the City to work on it but it went forward, at a cost of \$435,000. She said ironically that is the amount it will cost for taxpayers to maintain the water tower for the next ten years. Her suggestion, she said, is to find a philanthropist because the zoo always raises their own money. When the aviary gets torn down, she noted there will be metal and scrap parts that will be sold and the money will have to come back to the City.

Tiffany Sanders, Shell Road, Theresa, addressed the chair concerning comments made by Mr. Sligar on 7 News, which were "... Show me a community that doesn't have fluoride and I will show a community that will have a high level of disease of the teeth." Ms. Sanders read from a prepared statement regarding studies from a homeopathic dentist named Weston Price, in Cleveland, Ohio, and practiced dentistry in the 1930s and 1940s. She explained that he traveled the world looking at people's teeth and noted that less than one percent of those he examined had tooth decay despite the fact that they had no dental hygiene. (A portion of her research is on file in the City Clerk's Office.)

Jeff Ostrom, 894 South Massey St., addressed the chair saying he is from the Watertown Anti-Fluoridation Action, but today he said he wanted to speak about the roommate ordinance and noted there are 1600 signatures on a petition and said he will deliver 2000 or more signatures at the next Council meeting. He added that a group is being launched called Watertown Roommates United, which will be a Facebook page.

Linda Morrison, 254 Thompson Blvd., addressed the chair regarding the issue of the zoning change and read from a prepared statement (not on file in the City Clerk's Office.) She said the media publicized this as a neighbor versus neighbor issue, which may be the reason that this was not given a second thought by the general public. Ms. Morrison said Mrs. Cavallario brought an issue before Council that she thought was valid, and she was not alone as she brought a petition that 80 people signed. Yet Mrs. Cavallario and her family have been recipients of public ridicule and venom, she said. As elected officials, she said Council is obligated to represent public opinion. Mr. Morrison said by her count, 80 people had asked for this change, one person spoke and twelve people stood to say she represented them. Against the change, she said three people spoke and ten people were not in favor of the change. The three who voted for the change, she said, voted for what the people told Council they wanted. She said now a petition is being circulated that is in reverse, and the number of people requesting that it be returned to its former state are staggering and she said she hopes Council will represent the public once again in voting to restore the people's rights.

Steve Streiger, 515 Bradley Street, addressed the chair concerning the fluoride issue and offered a rebuttal to Mr. Sligar whose information, he said, was biased as he was relying solely on what dentists say. Mr. Streiger advised that Mr. Sligar seek out information from chiropractors and veterinarians. He added that he does not feel it should be his job to purchase an expensive water filter. He also addressed the roommate issue and questioned why someone with 80 signatures on a petition got her way.

Christine Williams, 8509 McHenry Loop, Fort Drum, addressed the chair concerning the zoning ordinance and stated she is originally from Ohio and she and her husband are stationed here. She said she was shocked to find an article about Watertown, New York, on an English website. This is her home now, for better or for worse, she said, and the City is an international embarrassment because people who define family differently are being discriminated against. She explained her family situation growing up and said that her friends have become her family throughout the years. Ms. Williams commented that as a military spouse, you depend on each other and sometimes people move in with each other for support or help with child care. She said she is appalled that Council did not see the impact that this change might have on the City ten years from now. Ms. Williams said she would appreciate if Council took a second look at this and understand Watertown as a whole and not just one neighborhood.

Mike Flynn, 29976 St. Rt. 126, Black River, addressed the chair regarding the code change, and that it should be motivated by perhaps more than four cars that are not parked in an exactly legal way. He said he has concerns with whether or not the City is concerned by the idea that there was a traffic problem in front of the house or the composition of the family therein. Mr. Flynn said unless it is defined as to what was really the bother with who lived in that house, he suggests it be reexamined because clarity is an issue.

Christine Davenport, 32211 NYS Rt. 180, addressed the chair saying she did not plan on saying anything this evening but said she had to speak in support of the smart things that have been said by people tonight. She said she is not happy to be affiliated with Watertown and be considered a national laughing stock. The problem, she said, is that a law is voted into place so quickly without it being enforceable or not fairly enforced. She said a lot of people would like to see that the City supports the people and not just a handful of people and that due process is done for everyone in the same manner.

Kay Hoffman, 1230 Madison Avenue, addressed the chair to achieve some clarity about the zoning situation on Thompson Boulevard. She said she can understand people living together and sharing a home, but said she can understand if there are problems that it would create an uncomfortable environment. She said she would like to know the facts rather than trying to form an opinion from hearsay. Ms. Hoffman added that she is very proud to live in Watertown.

Kevin Hoover Jr., 1411 Washington Street, addressed the chair regarding the zoning ordinance and said when he returned from work on Saturday, his girlfriend whom he has been with for years, told him about it. He said his girlfriend has muscular dystrophy and said that for someone who needs help in the home to not be allowed to live with a non-family member makes him ashamed.

Sandra King, 1398 Cosgrove Street, addressed the chair saying she too is an Army wife and a trained dog handler and the City took the grounds to do her job properly to the point where she had to quit what she was doing because she was no longer able to conduct training searches. She added that her husband may have to move to Germany for two years while she is here. Mrs. King said that she too grew up in a non-traditional family setting and voiced her concern with the zoning ordinance. She said it is becoming unbearable to live here because the City is taking things away because of a few people.

Daniel Orsini, 157 Boon Street, addressed the chair wishing to reiterate the unsupportive comments regarding the zoning ordinance. He noted that rent in Watertown is quite high and sometimes to get by people have to live together. Having a law like this, he said, goes to show how people in the “upper class” have no consideration for those who do not make the money they do.

Cody Horbacz, 451 W. Ten Eyck Street, addressed the chair saying he owns his home and does not know which residential zone he lives in and questioned who decides that or what the criteria is and said his girlfriend lives with him and their daughter. He asked how this legislation could be enforced and if it can be enforced. Mr. Horbacz commented that if the City does not plan on enforcing it, what is the point of having it on the books.

RESOLUTIONS

Resolution No. 1 – Authorizing Application for NYS Division of Homeland Security and Emergency Services Grant, Fire Department

Introduced by Council Member Roxanne M. Burns

WHEREAS the New York State Division of Homeland Security and Emergency Services (DHSES) is accepting applications for funding through March 6, and

WHEREAS the City of Watertown Fire Department has prepared an application that meets the intended purpose of this grant, which will allow the Department to purchase Swift Water Rescue equipment, provide training with said equipment, and offset personnel and overtime costs related to this training, and

WHEREAS the application, in the amount of \$138,876, does not require any matching funds from the City,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the Fire Department to submit a grant application in the amount of \$138,876 to the New York State Division of Homeland Security and Emergency Services, and

BE IT FURTHER RESOLVED that Fire Chief Dale C. Herman is hereby authorized and directed to execute the grant application on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso

Prior to the vote on the foregoing resolution, Council Member Butler asked Chief Herman about the length of the training.

Chief Herman responded that the exercises under the grant are not covered under the grant parameters. He added that three classes would be covered by the grant which would include a swimmer's course and two boat operator courses. The last boat operator's course was in 2003, he said. Sustainability, he said, would be covered under the normal operating budget.

Council Member Butler questioned if the department could devote the 1600 hours of training needed.

Chief Herman replied that it would be worked into the schedule. It takes a while to get from grant application to approval and he added that training would not begin until 2014.

Council Member Butler inquired about the equipment list and pointed out some of the more insignificant items on the list and said he is not completely on board with the dream list that has been composed.

Chief Herman said that Battalion Chief Timmerman composed the list and that it comes from a Type 3 swift water rescue team. He said it is not a dream list but rather an equipment list for a specific type of rescue which allows the City's Fire Department not only to do rescues in the City but also respond to emergencies elsewhere which may call for an extended stay.

Council Member Butler asked about the number of boats.

Chief Herman replied that the grant request is to add one boat to the fleet.

Council Member Smith said he had a lot of the same questions and pointed out there are a lot of other costs associated with the grant, including mutual aid.

Chief Herman said the grant parameters increase resources or increase typing, and currently the department is not a typed resource.

Council Member Smith noted the grant will not cover ongoing maintenance costs or replacement of sleeping bags or insect repellent.

Chief Herman said it does not cover sustainability.

Council Member Smith asked how much of the grant being applied for is already duplicated by the Jefferson County STAR team.

Chief Herman said their main forte is in scuba diving but they do have some people that are trained in swift water rescue. He mentioned that it does take their team some time to get the resources together for a rapid deployment for an emergency locally or along the Black River. They do a number of exercises during the year and he said they, too, are applying for the grant. He said that the STAR team's concentration is mostly diving and the Fire Department's is swift water rescue.

Council Member Smith said in terms of response time, where do they keep their equipment stating that he believed they kept it in one of the City stations on the North side.

Chief Herman said the STAR team has never stored anything within the City but the HAZMAT response vehicle is stored at Station 3. He said he believes the STAR team currently stores its equipment at the Brownville Fire Station.

Council Member Smith asked if there is a need in the City for two Zodiac boats and for extra equipment.

Chief Herman responded that the water features along the Black River are categorized as four and five white water. He pointed out the danger spots along the river, which include drop-offs, underwater currents, hydro plants which require advanced rescue training and bridges. Rescuing someone from a low-head dam requires advanced rescue techniques involving two boats.

Council Member Smith asked if the department goes to other communities which would take active duty firefighters out of this community, does the grant cover over-time costs for those that are brought in.

Chief Herman said it does not cover that but responded that the grant is for backfill and overtime for training components. He said after hurricane Irene, a crew traveled to Essex and Clinton Counties, and because it was declared a disaster by the President there were reimbursable funds available. He added that to the best of his knowledge, everything that was applied for for recuperation in that and another similar situation came back to the City of Watertown.

Council Member Smith inquired if this grant would have covered the application for other equipment that would have supported fire services, such as thermal imaging cameras or turn-out gear.

Chief Herman replied that this grant was strictly for technical rescue and this type of grant funding has been out there for four to five years. He noted this is the first time that water resources have been allowed in the grant funding mechanism and there is personal protective equipment but not structural firefighting gear.

Council Member Butler asked how many times the Zodiac boat has been deployed in the last two or three years.

Chief Herman replied that in the last twelve months there have been five incidents on the Black River and he reminded Council of those incidents.

Council Member Butler said he does not have a problem with training more fire personnel for water safety but at this point he said he is hesitant as to whether the City needs a second boat and would like to table the resolution for further consideration.

Chief Herman reminded Council that the deadline for the grant is March 6, 2013. The other parameter that goes with the grant, he said, is in order to get the training component the training cannot be greater than fifty percent of the total grant request. The overtime cannot exceed fifty percent and he said that is why the equipment is there as well.

Motion to table the foregoing resolution was made by Council Member Butler, seconded by Council Member Smith and defeated by Council Member Butler and Smith voting yea, and Council Member Burns, Council Member Macaluso and Mayor Graham voting nay.

At the call of the chair, vote was taken on the foregoing resolution with all voting yea, except Council Member Butler and Council Member Smith voting nay.

Resolution No. 2 – Approving Supplemental Agreement for Construction Inspection Services, Watertown Swimming Pools Resurfacing Project, C&S Engineers, Inc.

Introduced by Council Member Roxanne M. Burns

WHEREAS City Council wishes to move forward with the construction phase of the resurfacing of the Flynn and Alteri Pools, and

WHEREAS C & S Engineers, Inc. has provided a Construction Phase Services Agreement to provide services such as submittal and shop drawing reviews, project coordination, and construction inspection during the pool renovations on an hourly basis, and

WHEREAS on August 6, 2012 the City Council of the City of Watertown approved the Construction Phase Services Agreement with C & S Engineers, Inc. for the resurfacing of the Flynn and Alteri pools on an hourly basis estimated to be \$11, 876.40, and

WHEREAS C & S Engineers, Inc has submitted to the City a Supplemental Agreement for Construction Inspection Services in an amount not to exceed \$10,737.60 for unforeseen issues related to the Alteri and Flynn pool resurfacing projects as well as out of scope services,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Supplemental Agreement for Construction Inspection Services with C & S Engineers, Inc. for the resurfacing of Flynn and Alteri pools in an amount not to exceed \$10,737.60, a copy of which is attached and made part of this resolution, and

BE IT FURTHER RESOLVED that the City Manager, Sharon Addison, is hereby authorized and directed to execute the Agreement on behalf of the City of Watertown.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 3 – Approving Supplemental Appropriation No. 3 for Fiscal Year 2012-13 for Various Accounts

Introduced by Council Member Jeffrey M. Smith

WHEREAS the Fiscal Year 2011-12 Capital Budget included funding in the amount of \$100,000 to resurface the Steven D. Alteri pool and,

WHEREAS the Fiscal Year 2012-13 Capital Budget included funding in the amount of \$120,000 to resurface the William J. Flynn pool and,

WHEREAS on August 6, 2012 City Council increased the funding for these projects by \$35,000 to \$255,000 and,

WHEREAS based on the current agreements with Mid-American Pool Renovation and Leisure Craft Pools for these two pool resurfacing projects as well as cost of the design and construction inspection services provided by C & S Companies the combined estimated cost of the projects is \$252,176 and,

WHEREAS if on March 4, 2012 City Council approved the supplemental agreement with C & S Companies for an additional \$10,738 for additional construction inspection services then a supplemental appropriation should be considered to modify the Fiscal Year 2012-13 General Fund Budget to increase the appropriation for the Transfer to Capital Fund line item,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York that the total amount of \$8,000 is hereby transferred and appropriated from and to the following accounts of the listed funds for FY 2012-13:

A 1990.0430	Contingency	(\$ 8,000)
A 9950.0900	Transfer to Capital Fund	<u>8,000</u>
Total		<u>\$ -</u>

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

Resolution No. 4 – Approving Amendment No. 1 to Professional Services Agreement, GHD Consulting Engineers LLC

Introduced by Council Member Teresa R. Macaluso

WHEREAS on April 2, 2012, the City Council of the City of Watertown approved the Professional Services Agreement with GHD Consulting Engineers LLC to perform design services for the Reservoir Parallel Watermain Project in the amount of \$35,900, and

WHEREAS Amendment No. 1 results in an additional amount of \$58,400 to the Agreement,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves Amendment No. 1, a copy of which is attached and made part of this resolution, in the amount of \$58,300 to Professional Services Agreement with GHD Consulting Engineers LLC to perform design services for the Reservoir Parallel Watermain Project, and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to execute the Agreement on behalf of City Council.

Seconded by Council Member Jeffrey M. Smith and carried with all voting yea.

Resolution No. 5 – Finding That the Construction of the Thompson Park Parallel Water Main Project Will Not Have a Significant Impact on the Environment

Introduced by Council Member Jeffrey M. Smith

WHEREAS the City Council of the City of Watertown, New York, has before it a proposed Ordinance approving a bond issue to fund the design and construction of a parallel water main in and around Thompson Park, and

WHEREAS the City Council must evaluate all proposed actions submitted for its consideration in light of the State Environmental Review Act (SEQRA), and the regulations promulgated pursuant thereto, and

WHEREAS the approval of funding for this project would constitute such an “Action,” and

WHEREAS the City Council has determined that the proposed project is an Unlisted Action as that term is defined by 6NYCRR Section 617.2, and

WHEREAS to aid the City Council in its determination as to whether the proposed amendment will have a significant impact on the environment, Part I of a Short Environmental Assessment Form has been prepared, a copy of which is attached and made part of this Resolution,

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Watertown, New York, that:

1. Based upon its examination of the Short Environmental Assessment Form and comparing the proposed action with the criteria set forth in 6NYCRR Section 617.7, no significant impact is known and the construction of the Thompson Park Parallel Water Main Project will not have a significant impact on the environment.
2. The Mayor of the City of Watertown is authorized to execute the Environmental Assessment Form to the effect that the City Council is issuing a Negative Declaration under SEQRA.
3. This Resolution shall take effect immediately.

Seconded by Council Member Teresa R. Macaluso and carried with all voting yea.

ORDINANCES

Ordinance No. 1 – An Ordinance Authorizing the Issuance of \$1,000,000 Bonds of the City of Watertown, Jefferson County, New York, to Pay the Cost of the Design and Installation of a New Parallel Transmission Main to the Thompson Park Reservoirs, in and for Said City

Introduced by Council Member Teresa R. Macaluso

WHEREAS, the design and installation of a new parallel transmission main to the Thompson Park Reservoirs has been determined to be an “Unlisted” Action within the meaning of the State Environmental Quality Review Act with no significant impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Watertown, Jefferson County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the design and installation of a new parallel transmission main to the Thompson Park Reservoirs, in and for the City of Watertown, Jefferson County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$1,000,000 bonds of said City pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid specific object or purpose is \$1,000,000 and that the plan for the financing thereof is by the issuance of the \$1,000,000 bonds of said City authorized to be issued pursuant to this bond ordinance.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision one of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the City Comptroller, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Comptroller, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said City of Watertown, Jefferson County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the City of Watertown, Jefferson County, New York, by the manual or facsimile signature of the City Comptroller and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the City Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the City Comptroller, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the City, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the City Comptroller shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the City

Comptroller. Such notes shall be of such terms, form and contents as may be prescribed by said City Comptroller consistent with the provisions of the Local Finance Law.

Section 9. The City Comptroller is hereby further authorized, at his or her sole discretion, to execute a project financing agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said City in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The intent of this resolution is to give the City Comptroller sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes, without resorting to further action of the City Comptroller.

Section 11. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the City by the facsimile signature of its City Comptroller, providing for the manual countersignature of a fiscal agent or of a designated official of the City), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the City Comptroller. It is hereby determined that it is to the financial advantage of the City not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the City Comptroller shall determine.

Section 12. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 14. This ordinance, which takes effect immediately, shall be published in summary in the Watertown Daily Times, the official newspaper, together with a notice of the City Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Seconded by Council Member Joseph M. Butler Jr.

Motion for unanimous consent moved by Council Member Macaluso, seconded by Council Member Butler and carried with all voting in favor thereof

At the call of the chair, vote was taken on the foregoing ordinance and carried with all voting yea.

Motion was made by Council Member Smith to take from the table the resolution “Approving Third Amendment to 2012-13 Franchise Agreement, 1000 Islands Privateers Professional Hockey Team, LLC”. (Introduced on February 19, 2013 ; appears in its entirety in the 2013 Minute Book on pages 4-5 of the 02/19/2013 minutes). Motion was seconded by Council Member Macaluso and carried with all voting in favor thereof.

Mayor Graham wished congratulations to the Privateers on completing their regular season.

At the call of the chair, a vote was taken on the foregoing resolution and carried with all voting yea.

STAFF REPORTS

Elevated Water Storage Tank at Thompson Park

Mayor Graham pointed out the report in Council’s packet on the matter.

Ms. Addison told Council that Mr. Sligar is not here tonight as he is training in Morrisville and noted that the recommendation he would like to press ahead with is to proceed on the refurbishment of the water tower so the City can take the next step as outlined in the report, which is to negotiate and prepare for Council’s approval a consultant agreement for preparation of plans and design.

Council Member Macaluso asked if there was discussion on why he chose to refurbish it and not replace it since there was only a difference of \$100,000 between the two options.

Ms. Addison replied that it was a mere cost savings.

Mayor Graham reiterated that the recommendation was to repair the existing structure and asked if an affirmation of that was needed.

Ms. Addison replied that it was and to move ahead with the consulting plans.

Motion was made by Mayor Graham to accept Mr. Sligar’s recommendation and move ahead. Motion was seconded by Council Member Smith and carried with all voting in favor thereof.

Transportation Commission Vacancy

Mayor Graham noted that Ms. Penrose has submitted an application and said he assumes that as long as everyone is comfortable with it, she can be contacted for the position.

Board and Commission Appointments

Mayor Graham pointed out that the Board of Ethics is in need of members and pointed out that one of those must be a City official.

Ms. Addison told Council that James Mills, City Comptroller, has been recommended for placement on the board and with Council's concurrence they can move ahead in that process.

Mayor Graham asked if there would be a resolution at the next meeting.

Ms. Addison said there would be.

Letter From the Community Action Planning Council of Jefferson County, Inc.

Mayor Graham reviewed this and noted they are looking for someone from the City to serve on their board.

Attorney Burrows said no more than two from Council can serve on the board.

Mayor Graham asked if Christina Stone was still serving.

Attorney Burrows replied that she is.

Ms. Addison noted that Linda Gault is present from the CAPC and invited her to comment on the topic.

Ms. Gault explained to Council that there are some semantics and processes that need to be sorted out and said she has discovered that some things are not being done exactly as the by-laws state. She explained that the board is made up of one third low-income individuals, one third private sector and one third public sector, which is County Legislators and City Council. There are three City Council representatives on the board currently, which is not a problem, but they were seated by the entire Council and that is where the glitch comes in. She said members of the current Council need to be asked if they would like to be on the board. If they do not wish to serve, she said, then they need to appoint someone to sit in their place. Ms. Gault added that she was hoping to have someone appoint three members on their board, being Stan Zaremba, Christina Stone and Tom Bruno which would fulfill the bylaws.

Mayor Graham asked if there was anyone on Council who would be interested in serving.

Council Member Smith asked when the meetings are held.

Ms. Gault replied they meet once a month on a Thursday at 5:00 p.m.

Mayor Graham said resolutions will be drafted to appoint the three individuals.

Jefferson Community College New Events Center Feasibility Study

Mayor Graham reviewed the study and suggested Council read it. He said what struck him was the affirmation that Council was wise in its decision to not pursue additional ice as it did not make economic sense in this area's market. The consultants, he said, made an assertion that this is an area where people do not like to pay for things so funding a \$44 million facility would be difficult.

NEW BUSINESS

Recent Amendment to the City's Zoning Code

Mayor Graham pointed out the recent amendment to the code is not a law banning roommates but it was a discussion on a change in the law that did restrict some rights of usage in residential A property and also the adoption of it did occur within the context of a neighbor dispute that involved some judgment about the neighbors and who was living in a particular residence. With that said, he noted some Council Members had comments they would like to make.

Council Member Smith said there are several issues that were mentioned that are good but he commented that people have been misinformed. He explained that this was not passed with some back-room dealings but rather that it started in December of 2012, where legislation was referred to the Planning Board which deals with all zoning issues and changes in the City. He said they deliberated on the matter, passed it and recommended to City Council that the accessory use in a residential A neighborhood be amended and eliminate a sentence. That passed with the Planning Board by a five to one vote then it was brought before Council, he said, a public hearing was held and it was voted upon. He commented that none of the local media outlets are reporting what the national media is broadcasting because what the national media is reporting is untrue. Council Member Smith further said that the City did not eliminate roommates in the City and did not define family. What was eliminated, he said, was an accessory use in a residential A neighborhood, which is amongst other things a single family neighborhood, and family is defined broadly. He explained that the definition of family specifically states that people do not have to be blood relatives. Council Member Smith continued explaining that the amendment eliminated the option of using a dwelling in a residential A neighborhood to rent out rooms, or have non-transient roomers. The history of it, he explained, is that this sentence was added after WWII for returning soldiers so they could rent rooms in single family neighborhoods and have a place to stay and for widows. He said he hopes this clears up some of the confusion on the matter. He further stated that if someone is interested in renting there are multiple zones in the City in which someone can rent and noted that that is the reason for zoning so when someone buys property in certain districts they know the composition of the neighborhood.

Council Member Burns thanked Council Member Smith for the clarification and referenced the media making the City out to be intolerant, which she feels is untrue. She said she prides herself in being part of this community. The wording was outdated, she said, and Council took the recommendation of the Planning Board which was to remove the wording "... no more than six transients..." and commented that transient is a dated term. In no way did this Council try to define what a family is, she said.

Council Member Butler commented that Council Member Burns' remarks were well said. He said he read recently in The Daily Mail that the City Council banned roommates from living together and from another media outlet that lawmakers approved an ordinance aimed at keeping non-related people from living together and noted that both sources are completely wrong. First of all, he said, language was repealed from an existing ordinance and there was no intent to keep non-related people from living together. He said he has never witnessed something that has been so mischaracterized, misinterpreted, distorted and completely inaccurate. Council Member Butler said he wished to set the record straight and said Council did not redefine family. He said he has no issue with a couple living together and that it is none of his business. If someone takes time to read the ordinance, he said a residential A district includes single family dwellings, churches, libraries and museums. What constitutes a single family depends on what family means to each person, he said. The intent of the ordinance, like the intent of other legislation in similar Cities, was to permit boarding houses in residential B districts, not residential A districts, which is where he said he thinks the confusion lies. There is a clear distinction as to what a boarding house is and what a single family dwelling is, he said, and he views a boarding house as a place where rooms are rented out as an enterprise for making money. Pooling resources with three friends to make ends meet or living as Mr. Hartman does with his fiancée and friend does not constitute a boarding house, fraternity or rooming house. He explained that he and his wife had a friend live with them for several months while she was making a career transition and money was tight. He further said they did not charge rent but that she did help out with buying groceries and other household goods. He said he recognizes that they were fortunate to be able to help someone and that he recognizes the challenges people face when finding a place to live because he experienced it first hand. Council Member Butler said he encouraged people to read the ordinance, regarding not only residential A districts but also the other districts as well and nothing in the ordinance is aimed at keeping non-related people from living together. He said Mr. Hartman's generosity displayed is great and more of that needs to happen and he applauds him for his efforts of goodwill. The ordinance is attempting to protect the single family home, he said, no matter what that home may be comprised of or look like.

Mayor Graham said the reason that he voted no when this issue was brought before Council was because prior to the meeting he met with Ken Mix, Planning Coordinator, and asked what purpose this serves or what will result from it. Mr. Mix's response, he said, was that it will make no difference and the Mayor said he came to the conclusion wondering why pass something which was clearly proposed in the context of a neighborhood dispute in which one neighbor was objecting, at least anecdotally, to the fact that a non traditional group of people were living together, sharing expenses and apparently had too many cars in the driveway. Within the context of that, and with Planning staff saying there was no point in making a change and it would have no affect on the individuals involved, Mayor Graham said he came to the conclusion it was better to vote no. He said he agrees with his colleagues that the action taken is not a ban on roommates but he said he still sees no particular reason for having enacted it. The ability post-WWII to host people in a manner in which you are not creating separate residences within the house he said he thinks still exists today and said he prefers that language still be in the ordinance but it is clear there is no support for changing it. He said he would hope that the Planning staff take a look at how these ordinances coincide with current state and federal housing fairness laws, particularly when words are used that relate to family and he said he would be interested in hearing any recommendations that come from the review.

Volunteer Appreciation

Council Member Burns wished to thank Ms. Addison and staff for taking her recommendation to come up with a ceremony to acknowledge the many volunteers the City has. She pointed out it will be happening on Monday, March 25, 2013.

Fiscal Check-Up

Mayor Graham said he had a call from the State Comptroller notifying the City that it has been chosen to be the subject of one of their fiscal check-ups, which will measure the City's fiscal solvency.

Pension Smoothing

Mayor Graham said Mr. DiNapoli will have a statement on the matter in the near future.

New York Air Brake PILOT

Mayor Graham noted some questions on the matter were answered in the Manager's report and said he spoke with Mr. Hawthorne who raised the issue of double billing of County taxes. He said he learned today that the PILOT is in perpetuity, which means there is no expiration. He said he is personally content to see what the County Legislature does and whether they are willing to waive the double tax if they choose to opt out.

Executive Session

Motion was made by Council Member Burns to move into Executive Session to discuss the employment history of a particular individual as it pertains to the City Clerk's Office.

Motion was seconded by Council Member Butler and carried with all voting in favor thereof.

Council moved into Executive Session at 8:15 p.m.

Council reconvened at 8:40 p.m.

A D J O U R N M E N T

At the call of the chair, meeting was duly adjourned at 8:40 p.m. by motion of Council Member Burns, seconded by Council Member Butler and carried with all voting in favor thereof.

Amanda C. Lewis
Deputy City Clerk